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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/707,956	01/28/2004	Gilbert J. Yablon	YABL0005US	1955
27949 7590 07/21/2009 LAW OFFICE OF JAY R. YABLON 910 NORTHUMBERLAND DRIVE SCHENECTADY, NY 12309-2814				
EXAMINER				
ADDY, THUAN KNOWLIN				
ART UNIT		PAPER NUMBER		
2614				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/707,956

Applicant(s)

YABLON, GILBERT J.

Examiner

THJUAN K. ADDY

Art Unit

2614

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 May 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10-169 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10-169 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-8508)
- Paper No(s)/Mail Date 05/05/2009
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. Applicant's amendment filed on May 05, 2009 has been entered. No claims have been amended. Claims 1-9 have been cancelled. No claims have been added. Claims 10-169 are still pending in this application, with claims 10, 59, 108, 125, 142, 146, 148, 152, 156, 158, 160, and 164 being independent.
2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 05/05/2009 has been entered.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 10-19, 23-30, 32, 34-68, 72-79, 81, 83, 84, 89-115, 119-132, and 136-169 are rejected under 35 U.S.C. 102(e) as being anticipated by Burg et al. (US 6,477,247).

4. In regards to claims 10, 59, 108, 125, 142, 146, 148, 152, 156, 158, 160, and 164, Burg discloses a method, computerized system, and computer-readable medium for simplifying telephonic calling, comprising: designating a destination area code; the user specifying a seven-digit telephone number; and causing said call to be signaled using the designated destination area code in combination with the specified seven-digit telephone number, without the user entering said designated destination area code when specifying said seven-digit telephone number, and without analyzing said seven-digit telephone number in relation to telephone numbers previously dialed by the user (See col. 2 lines 24-45 and col. 4 lines 18-44).

5. In regards to claims 11, 60, 109, 126, 143, 147, 149, 153, 157, 159, 161, 163, and 165, Burg discloses the method, system, and computer-readable medium, further comprising: determining that said designated destination area code is not required to properly signal said call; and as a consequence of said determining, causing said call to

be signaled without using said designated destination area code (See col. 4 lines 7-17).

6. In regards to claims 12, 61, 144, 150, 154, and 162, Burg discloses the method, system, and computer-readable medium, further comprising: associating a plurality of area code selectors with a plurality of area codes; the user selecting one of said area code selectors and thereby selecting its associated area code; and causing said call to be signaled using the selected area code in combination with said specified seven-digit telephone number, without the user entering said selected area code when specifying said seven-digit telephone number (See Fig. 2, Fig. 3, and col. 4-5 lines 59-10).

7. In regards to claims 13, 62, 145, 151, and 155, Burg discloses the method, system, and computer-readable medium, further comprising: determining that said selected area code is not required to properly signal said call; and as a consequence of said determining, causing said call to be signaled without using said selected area code (See col. 4 lines 7-17).

8. In regards to claims 14, 63, 110, and 127, Burg discloses the method and system, said associating said plurality of area code selectors with said plurality of area codes comprising: the user associating said plurality of area code selectors with said plurality of area codes (See Fig. 2, Fig. 3, and col. 4-5 lines 59-10).

9. In regards to claims 15, 64, 111, and 128, Burg discloses the method and system, further comprising: changing at least one of the associations to a different association (See col. 4-5 lines 59-10).

10. In regards to claims 16, 65, 112, and 129, Burg discloses the method and system, further comprising: the user changing at least one of the associations to a

different association (See col. 4-5 lines 59-10).

11. In regards to claims 17, 66, 113, and 130, Burg discloses the method and system, said associating said plurality of area code selectors with said plurality of area codes comprising: a provider of telecommunications services associating said plurality of area code selectors with said plurality of area codes (See Fig. 2, Fig. 3, and col. 4-5 lines 59-10).

12. In regards to claims 18, 67, 114, and 131, Burg discloses the method and system, said associating said plurality of area code selectors with said plurality of area codes comprising: computerized equipment associating said plurality of area code selectors with said plurality of area codes (See Fig. 2, Fig. 3, and col. 4-5 lines 59-10).

13. In regards to claims 19, 68, 115, and 132, Burg discloses the method and system, said associating said plurality of area code selectors with said plurality of area codes comprising: associating said plurality of area code selectors with said plurality of area codes based on an area code configuration (See Fig. 2, Fig. 3, and col. 4-5 lines 59-10).

14. In regards to claims 23, 72, 119, and 136, Burg discloses the method and system, further comprising causing said call to be signaled using digits representing said selected area code in combination with digits representing said specified seven-digit telephone number (See col. 2 lines 24-45 and col. 4 lines 18-44).

15. In regards to claims 24, 73, 120, and 137, Burg discloses the method and system, further comprising causing said call to be signaled using signaling information representing said selected area code in combination with signaling information representing said specified seven-digit telephone number (See col. 2 lines 24-45 and

col. 4 lines 18-44).

16 In regards to claims 25, 74, 121, and 138, Burg discloses the method and system, further comprising using a call-originating device for: associating said plurality of area codes with said plurality of area code selectors, selecting said selected area code, specifying said seven-digit telephone number, and causing said call to be signaled (See col. 4-5 lines 59-10).

17. In regards to claims 26, 75, 122, and 139, Burg discloses the method and system, further comprising using customer premises equipment separate from and connected to a call-originating device, in combination with said call-originating device, for: associating said plurality of area codes with said plurality of area code selectors, selecting said selected area code, specifying said seven-digit telephone number, and causing said call to be signaled (See col. 2 lines 24-45, col. 4 lines 18-44, and col. 4-5 lines 59-10).

18. In regards to claims 27, 76, 123, and 140, Burg discloses the method and system, further comprising using telecommunications service provider equipment separate from and connected to a call-originating device, in combination with said call-originating device, for: associating said plurality of area codes with said plurality of area code selectors, selecting said selected area code, specifying said seven-digit telephone number, and causing said call to be signaled (See col. 2 lines 24-45, col. 4 lines 18-44, and col. 4-5 lines 59-10).

19. In regards to claims 28, 77, 124, and 141, Burg discloses the method and system, further comprising using customer premises equipment separate from and connected to a call-originating device, in combination with telecommunications service provider

equipment separate from and connected to said customer premises equipment, in further combination with said call-originating device, for: associating said plurality of area codes with said plurality of area code selectors, selecting said selected area code, specifying said seven-digit telephone number, and causing said call to be signaled (See col. 2 lines 24-45, col. 4 lines 18-44, and col. 4-5 lines 59-10).

20. In regards to claims 29 and 78, Burg discloses the method and system, further comprising: causing said call to be signaled following the user specifying said seven-digit telephone number (See col. 2 lines 24-45 and col. 4 lines 18-44).

21. In regards to claims 30 and 79, Burg discloses the method and system, further comprising: causing said call to be signaled as a result of detecting that a predetermined timing delay has expired following the user specifying said seven-digit telephone number (See col. 2 lines 24-45 and col. 4 lines 18-44).

22. In regards to claims 34 and 83, Burg discloses the method and system, further comprising: causing said call to be signaled following the user specifying said seven-digit telephone number (See col. 2 lines 24-45 and col. 4 lines 18-44).

23. In regards to claims 35 and 84, Burg discloses the method and system, further comprising: causing said call to be signaled as a result of detecting that a predetermined timing delay has expired following the user specifying said seven-digit telephone number (See col. 2 lines 24-45 and col. 4 lines 18-44).

24. In regards to claims 41, 89, and 90, Burg discloses the method and system, said designating said destination area code comprising: a provider of telecommunications services designating said designated destination area code (See Fig. 2, Fig. 3, and col.

4-5 lines 59-10).

25. In regards to claims 32, 42, 81, and 91, Burg discloses the method and system, said designating said destination area code comprising: computerized equipment designating said designated destination area code (See Fig. 2, Fig. 3, and col. 4-5 lines 59-10).

26. In regards to claims 43 and 92, Burg discloses the method and system, said designating said destination area code comprising: designating said designated destination area code to be the same as an originating area code (See col. 2 lines 24-45 and col. 4 lines 18-44).

27. In regards to claims 44 and 93, Burg discloses the method and system, said designating said destination area code comprising: defaulting said designated destination area code to be the same as an originating area code (See col. 2 lines 24-45 and col. 4 lines 18-44).

28. In regards to claims 45 and 94, Burg discloses the method and system, said designating said destination area code comprising: designating said designated destination area code to be different from an originating area code (See col. 2 lines 24-45 and col. 4 lines 18-44).

29. In regards to claims 46 and 95, Burg discloses the method and system, said designating said destination area code comprising: defaulting said designated destination area code to be different from an originating area code (See col. 2 lines 24-45 and col. 4 lines 18-44).

30. In regards to claims 47 and 96, Burg discloses the method and system, said

specifying said seven-digit telephone number comprising: entering said seven-digit telephone number into a telephone number entry device (See col. 2 lines 24-45 and col. 4 lines 18-44).

31. In regards to claims 48 and 97, Burg discloses the method and system, said specifying said seven-digit telephone number comprising: retrieving said seven-digit telephone number from a memory (See col. 2 lines 24-45 and col. 4 lines 18-44).

32. In regards to claims 49 and 98, Burg discloses the method and system, further comprising causing said call to be signaled using digits representing said designated destination area code in combination with digits representing said specified seven-digit telephone number (See col. 2 lines 24-45 and col. 4 lines 18-44).

33. In regards to claims 50 and 99, Burg discloses the method and system, further comprising causing said call to be signaled using a digit "1" in combination with said digits representing said designated destination area code and in further combination with said digits representing said specified seven-digit telephone number (See col. 4-5 lines 59-10).

34. In regards to claims 51 and 100, Burg discloses the method and system, further comprising causing said call to be signaled using a digit "1" in combination with digits representing said specified seven-digit telephone number (See col. 4-5 lines 59-10).

35. In regards to claims 52 and 101, Burg discloses the method and system, further comprising causing said call to be signaled using signaling information representing said designated destination area code in combination with signaling information representing said specified seven-digit telephone number (See col. 2 lines 24-45 and

col. 4 lines 18-44).

36. In regards to claims 53 and 102, Burg discloses the method and system, further comprising causing said call to be signaled using signaling information representing a "1" in combination with said signaling information representing said designated destination area code and in further combination with said signaling information representing said specified seven-digit telephone number (See col. 4-5 lines 59-10).

37. In regards to claims 54 and 103, Burg discloses the method and system, further comprising causing said call to be signaled using signaling information representing a "1" in combination with signaling information representing said specified seven-digit telephone number (See col. 4-5 lines 59-10).

38. In regards to claims 55 and 104, Burg discloses the method and system, further comprising using a call-originating device for: designating said designated destination area code, specifying said seven-digit telephone number and causing said call to be signaled (See col. 2 lines 24-45, col. 4 lines 18-44, and col. 4-5 lines 59-10).

39. In regards to claims 56 and 105, Burg discloses the method and system, comprising using customer premises equipment separate from and connected to a call-originating device, in combination with a call-originating device, for: designating said designated destination area code, specifying said seven-digit telephone number and causing said call to be signaled (See col. 2 lines 24-45, col. 4 lines 18-44, and col. 4-5 lines 59-10).

40. In regards to claims 57 and 106, Burg discloses the method and system, further comprising using telecommunications service provider equipment separate from and

connected to a call-originating device, in combination with said call-originating device, for: designating said designated destination area code, specifying said seven-digit telephone number and causing said call to be signaled (See col. 2 lines 24-45, col. 4 lines 18-44, and col. 4-5 lines 59-10).

41. In regards to claims 58 and 107, Burg discloses the method and system, further comprising using customer premises equipment separate from and connected to a call-originating device, in combination with telecommunications service provider equipment separate from and connected to said customer premises equipment, in further combination with said call-originating device, for: designating said designated destination area code, specifying said seven-digit telephone number and causing said call to be signaled (See col. 2 lines 24-45, col. 4 lines 18-44, and col. 4-5 lines 59-10).

42. In regards to claims 166 and 168, Burg discloses the method, further comprising: providing a prompt advising the user of the association between said area code selectors and their associated area codes; and the user selecting one of said area code selectors in response to said prompt (See Fig. 2, Fig. 3, and col. 4-5 lines 59-10).

43. In regards to claims 167 and 169, Burg discloses the method, the system, further comprising said user interface, computerized processing, and computerized storage for: providing a prompt advising of the association between said area code selectors and their associated area codes; and selecting one of said area code selectors in response to said prompt (See Fig. 2, Fig. 3, and col. 4-5 lines 59-10).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

44. Claims 20-22, 31, 33, 69-71, 80, 82, 85-88, 116-118, and 133-135 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burg et al. (US 6,477,247), in view of Veschi (US 6,298,131).

45. In regards to claims 20, 69, 116, and 133, Burg discloses all of claims 20, 69, 116, and 133 limitations, except the method and system, said area code configuration comprising area code overlays. Veschi, however, does disclose area code configuration comprising area code overlays (e.g., overlaps) (See col. 4 lines 8-36). Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to incorporate this feature within the method, as a way of automatically updating speed dial buttons when a telephone number changes, such as when a party moves or when a party's area code changes.

46. In regards to claims 21, 70, 117, and 134, Burg discloses all of claims 21, 70, 117, and 134 limitations, except the method and system, said area code configuration comprising area code splits. Veschi, however, does disclose area code configuration comprising area code splits (e.g., is divided) (See col. 4 lines 8-22).

47. In regards to claims 22, 31, 71, 80, 85, 118, and 135, Burg discloses all of claims 22, 31, 71, 80, 85, 118, and 135 limitations, except the method and system, said

selecting one of said area code selectors comprising: activating a predetermined data entry key. Veschi, however, does disclose said selecting one of said area code selectors comprising: activating a predetermined data entry key (See Fig. 3 and col. 2-3 lines 66-13).

48. In regards to claims 33 and 82, Burg discloses all of claims 33 and 82 limitations, except the method and system, further comprising: designating one of said plurality of area codes to be said designated destination area code using a "hot button". Veschi, however, does disclose designating one of said plurality of area codes to be said designated destination area code using a "hot button" (See col. 4 lines 42-56).

49. In regards to claims 86, 87, and 88, Burg discloses all of claims 86, 87, and 88 limitations, except the system, further comprising said user interface, said computerized processing, and said computerized storage for: the user to designate said designated destination area code. Veschi, however, does disclose the user to designate said designated destination area code (See col. 3 lines 14-23).

Response to Arguments

50. Applicant's arguments filed 03/31/2009 have been fully considered but they are not persuasive.

51. On page 4 of Applicant's remarks, Applicant argues the following: - "In applicant's view, this claim recitation is an inherent function of what is disclosed in US 60/047,747, that it is proper to have amended the claims to recite this function without introducing prohibited new matter, and that US 60/047,747 consequently does provide adequate

support or enablement for the limitation "without analyzing said seven-digit telephone number in relation to telephone numbers previously dialed by the user," in the manner provided by the first paragraph of 35 U.S.C. 112. Specifically: US 60/047,747, in point 2) on page 3/49 of the PDF document provided to the examiner, states: "If dialing starts with a 0 or a 1, all of the dialed digits will be passed directly through the system, since this is an indicator that the suffix system will not be used. If dialing starts with other than a 0 or 1: All digits are stored in the phone's special 'overlay system memory', and none are passed through until either: 1) 7 digits have been entered + a timing interval has elapsed, in which case, the area code... is output by the phone, followed by the first 7 digits that were stored in the 'overlay system memory'. 2) 8 digits have been entered, in which case... [t]he proper area code is output, followed by the first 7 digits that were stored in the 'overlay system memory'."

52. The Examiner respectfully disagrees with Applicant's arguments for the following reasons: As per MPEP 2163.07(a), inherency, however, may not be established by probabilities or possibilities. The following is analysis of claim 1 with respect to 60/047,747 PDF document (herein after "PDF"):

- Claim 1 has limitation of "the user **specifying** a seven-digit telephone number". Which seems more like setup or programming. In point 2) on page 3/49 of the PDF document discloses **dialing**, **dial digits**.

- Claim 1 does not recite any condition such as dialing 0 or 1. While PDF discloses conditional dialing of 0 and 1.

- Claim 1 recites using of area code + 7digits, while there is no mention of an area code in point 2) of page 3/49 PDF document.

- PDF page 3/49 refers to a "suffix" system, while suffix is not relevant to or recited in claim 1.

53. Applicant is reading limitations into the claim and also reading limitations into the PDF. In view of above comparison and arguments, the subject matter of Applicant's independent claims is not fully disclosed in the priority application US 60/047,747. While some of Applicant's arguments may be generally correct such as dialing an area code followed by 7 digits may be passed through without analyzing previously dialed number, the issue here is the exact nexus or lack thereof between the language in the claims and the language in the PDF document.

Conclusion

54. Any inquiry concerning this communication or earlier communications from the examiner should be directed to THJUAN K. ADDY whose telephone number is (571)272-7486. The examiner can normally be reached on Mon-Fri 8:30-5:00pm.

55. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on (571) 272-7488. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

56. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Thjuan K. Addy/
Primary Examiner, Art Unit 2614